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BILLINGS DIV.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

BILLINGS DIVISION

CHARLES ALVIN JOHNSON,)	CV-06-66-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
MONTANA 13TH JUDICIAL COURT;)	U.S. MAGISTRATE JUDGE
YELLOWSTONE COUNTY;)	
BILLINGS, MONTANA;)	
RUSSELL C. FAGG;)	
)	
Defendants.)	
)	

On June 15, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Plaintiff's Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted, and that the Clerk of Court reflect on the docket that this dismissal counts as a strike with regard to the Prison Litigation Reform Act, 28 U.S.C. § 1915.

Upon service of a magistrate judge's findings and recommendation, Plaintiff had twenty (20) days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed

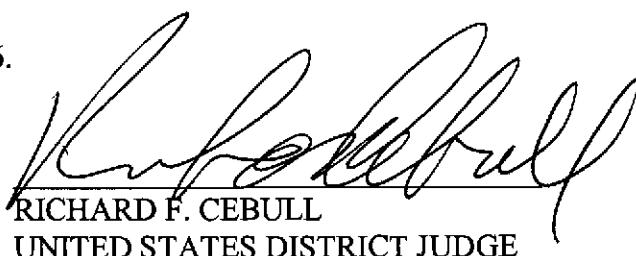
objections to the June 15, 2006 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted. The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike with regard to the Prison Litigation Reform Act, 28 U.S.C. § 1915.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 19 day of July, 2006.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE